

## Development Management Report

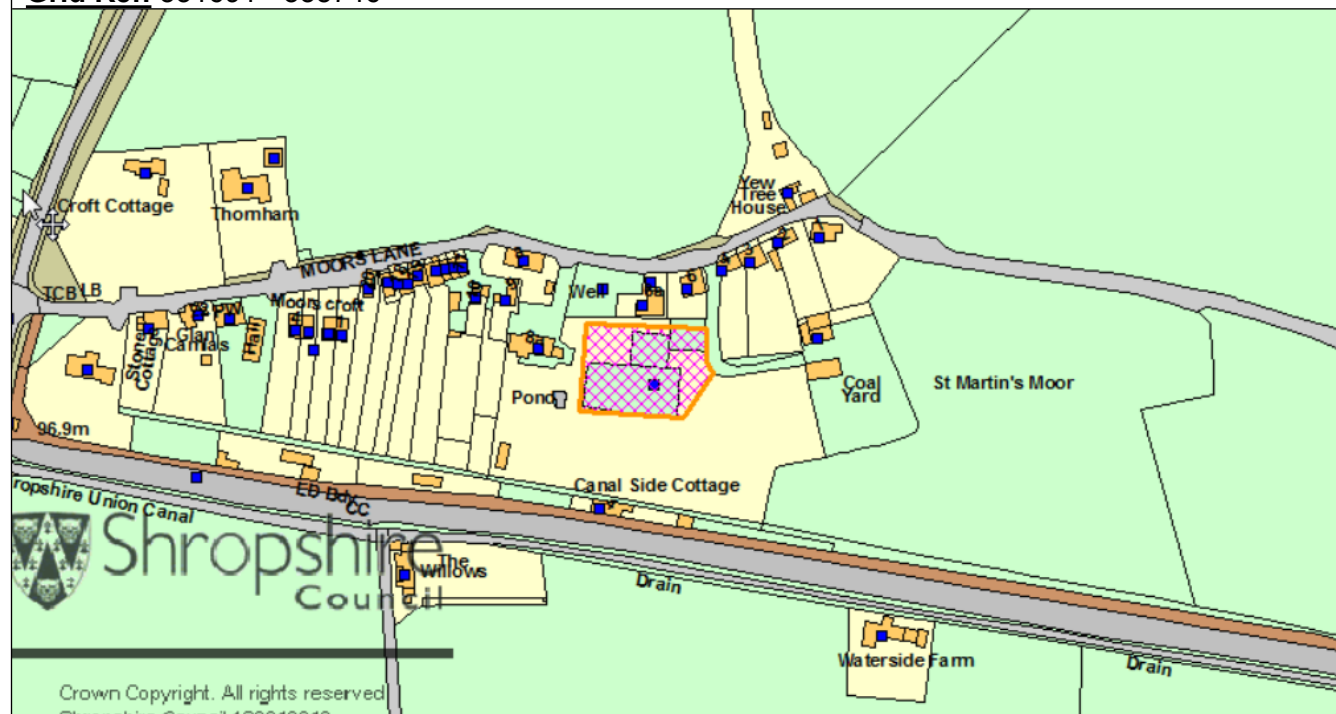
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 16/03137/REM	<b><u>Parish:</u></b>	St Martins
<b><u>Proposal:</u></b> Approval of all reserved matters pursuant to permission 13/05016/OUT for the erection of two detached dwellings and associated garages		
<b><u>Site Address:</u></b> Proposed Residential Development Land East Of 8A Moors Lane St Martins Moor Shropshire		
<b><u>Applicant:</u></b> Mr P Gurnett		
<b><u>Case Officer:</u></b> Janet Davies	<b><u>email:</u></b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>	

**Grid Ref:** 331691 - 335746



**Recommendation:- subject to the conditions set out in Appendix 1.**

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

1.1 The application seeks reserved matters approval pursuant to permission 13/05016/OUT, which was for the erection of two detached, open market dwellings on land adjacent to 8A St Martin's Moor.

1.2 An associated application 16/03136/REM (pursuant to outline permission 14/01224/OUT) for an attached plot to the east, also for two detached dwellings and garages (plots 3 and 4), is also concurrently under consideration.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site forms part of a parcel of land located to the south of Moors Lane within the small hamlet of St Martin's Moor and sits approximately midway between the lane and the Shropshire Union Canal.

2.2 The site is surrounded by residential development to its north and north east and to the east the above mentioned adjoining site, also previously granted outline approval for residential development. To the south of the field, adjacent to the canal, is a detached dwelling (Canal Side Cottage) whilst to the east is Robert's Coal Yard. The proposed access is shown to the north east corner of the proposal site off the existing coal yard access road. Existing boundaries are formed mainly by open post and rail fencing with some sparsely grown hedgerows around the outer perimeters of the field.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The ward member has requested that the application is considered by planning committee.

**4.0 Community Representations****4.1 - Consultee Comments**

4.1.1 SC Affordable Housing - As the site is subject to a signed S106 an affordable housing contribution will be payable, the applicant is required to submit a completed proforma to confirm the amount payable.

4.1.3 SC Drainage – No objection subject to conditions and informatives relating to drainage details, plan and calculations.

4.1.4 SC Highways – no objection subject to conditions and informatives. The principle of the proposed development has been previously approved under outline consent 13/05016/OUT. Recommend conditions relating to access, parking and turning areas and informatives relating to mud on highway, drainage discharge onto the highway and works on, within or abutting the public highway.

4.1.5 Canal and River Trust – no comment to make but recommend inclusion of

informative advising that there shall be no surface or foul water discharge to the waterway and that any discharges subsequently proposed will require prior consent from the Canal and River Trust.

4.1.6 SC Ecology - no comments to make on this application.

4.2 - Public Comments

4.2.1 St Martins Parish Council - expressed concern that the previous application was for four small dwellings and not two large dwellings in two applications making the four in total. Safety grounds are being ignored and reserved matters should not be used for such a major change of development. The new proposals were not in keeping with the area and again concern was expressed over access and flooding.

4.2.2 Welsh water – The proposed foul drainage layout is lacking detail and needs to clearly identify how both properties are going to connect into the foul drainage network. The drainage and foundations information from the agent listing how surface water will be managed is acknowledged but no technical specification for these systems have been provided and no detail provided on how surface water flows will communicate to a drainage ditch. Evidence detailing the technical specification of surface water removal techniques and communication of surface water flows is required.

4.2.3 An objection has also been received from a local resident which raises the following points:

- ☐ Concerned regarding excess traffic that will occur especially when cars are parked in evenings and weekends
- ☐ Drains are at their capacity and ground tends to be waterlogged and floods during the winter.

## 5.0 THE MAIN ISSUES

- ☐ Principle of development
- ☐ Siting, scale and design of structure
- ☐ Visual impact and landscaping
- ☐ Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The principle of residential development on this site has already been accepted under the previous planning approval reference 13/05016/OUT when outline approval was granted for 2 no detached dwellings.

6.1.2 Core Strategy Policy CS6 (Sustainable Design and Development Principles) is relevant to the consideration of this application and seeks to protect the natural, built and historic environment and requires new development to be appropriate in scale, density, pattern and design taking into account local context and character. The policy also aims to safeguard residential and local amenity.

6.1.3 CS11 requires an integrated and balanced approach to be taken with regard to existing and new housing, including type, size, tenure and affordability. Housing

developments should be designed to be capable of adaptation to accommodate lifestyle changes, including the needs of the elderly and people with disabilities.

- 6.1.4 Policy CS17 seeks to ensure that new development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreation values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.1.5 Policy MD2 of the adopted SAMDev Plan requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.2 Siting, scale and design of structure
  - 6.2.1 The proposal is for 2 no. 4 bedroomed two storey dwellings (shown as plots 3 and 4 on the amended site plan) which would be accessed via separate private driveways to run between the two dwellings with detached garages at the rear of each plot.
  - 6.2.2 Both proposed dwellings are on an L-shaped plan with their principle elevations facing north and each with a two storey section to rear and would be surrounded on all sides by garden. The proposed accommodation is to include a hall, lounge, kitchen/family room, dining room and utility with WC at ground floor with the first floor comprising 3 ensuite double bedrooms, a further double bedroom and family bathroom.
  - 6.2.3 Concerns had initially been raised regarding the scale of the proposed development in that the proposed dwellings appeared large for the size of the plots and in relation to each other resulting in a perception of overdevelopment and of restricted amenity space in proportion to the size of the dwellings. In response to this the proposed dwellings, both on this site and the adjoining proposal site, have been reduced in scale to allow for greater separation, and design amendments carried out.
  - 6.2.4 The proposed dwelling to the east of the application site (plot 3) would incorporate a two storey gable to its left hand side, and a lean to single storey roof across much of its front elevation. Three light windows are included at ground floor and a mix of dormer and two light casements above. An external chimney stack is attached at the west gable. The proposed dwelling on plot 4 is a handed version of plot 3 with the rear gable located at the opposing end.
  - 6.2.5 The proposed double garages are detached single storey structures to be faced in render under natural slate roofs.
  - 6.2.6 Following the reduction in size of the proposed dwellings and design amendments the proposed dwellings are deemed to have a reasonable amount of separation, and individual amenity space, and together with the proposed garages are considered to be of a suitably vernacular style in keeping with their rural surroundings.
- 6.3 Visual impact and landscaping
  - 6.3.1 The scale of the proposed dwellings, as revised, together with their proposed

orientation and distance from the surrounding dwellings is such that there are not considered to be any major implications for loss of amenity either to existing properties or the other proposed dwellings also currently under consideration.

- 6.3.2 In terms of impact on the landscape a reasonable amount of garden amenity space is deemed to be provided around each of the proposed dwellings and it is recommended that the nature of any new planting, boundary treatments could be dealt with by way of condition in order to ensure the provision of suitable native species.

#### 6.4 Drainage

- 6.4.1 A proposed drainage plan was submitted with the application and the agent has supplied details explaining that surface water management is proposed to be dealt with by way of permeable surfaces, an underground modular rainstore in addition to rainwater butts and that the property is bounded by a drainage ditch that runs parallel to the canal which provides for surface water drainage.

- 6.4.2 Foul drainage is proposed to be via a 300mm diameter Welsh Water drain running through the lane which serves the remainder of the properties on Moors Lane.

- 6.4.3 Welsh Water have indicated that additional information is required relating to the foul drainage layout as to how both properties are to connect into the foul drainage network. Technical specifications are requested to demonstrate how systems are to be provided and as to how surface water flows will communicate to a drainage ditch. Evidence detailing the technical specification of surface water removal techniques and communication of surface water flows is required.

- 6.4.4 The Council's Drainage Engineer has indicated that these details, along with other drainage matters including floor levels, percolation test and soakaway details could be dealt with by way of pre-commencement conditions.

- 6.4.5 A section through the proposed foundations has been supplied. The Canal and River Trust have no comment to make other than that an informative should be attached relating to any future discharge to the canal.

#### 7.0 CONCLUSION

- 7.1 The application is deemed to be acceptable in terms of its scale, design, and materials and is not considered to have any major implications for highways, ecology, amenity or drainage and is recommended for approval in accordance with Core Strategy Policies CS6; CS11 and CS17 and SAMDev Policy MD2 subject to conditions and informatives.

#### 8.0 Risk Assessment and Opportunities Appraisal

##### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written

representations, hearing or inquiry.

- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

13/05016/OUT Outline application for the erection of 2 no. detached dwellings (all matters reserved) GRANT 26th August 2015

14/01224/OUT Outline application (all matters reserved) for the erection of 2 dwellings GRANT 26th August 2015

16/03136/REM Approval of reserved matters pursuant to permission 14/01224/OUT for the erection of 2 dwellings and associated detached garages PCO

16/03137/REM Approval of all reserved matters pursuant to permission 13/05016/OUT for the erection of two detached dwellings and associated garages PCO

## 11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member
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Cllr Steven Davenport
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Appendices APPENDIX 1 - Conditions
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## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings as amended by the revised plans and elevations received on the 8th December 2016.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, soakaways designed for the 1 in 10 year storm event would be accepted provided the applicant submits details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not affect other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted to the Local Planning Authority for approval prior to development commencing on site.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and designed to a robust standard to minimise the risk of surface water flooding.

5. The applicant shall complete Appendix 'D' of the Shropshire Council's Surface Water Management: Interim Guidance for Developers and submit to the Local Planning Authority for approval by the Local Planning Authority.

Reason: To ensure that measures have been taken to mitigate against surface water flooding.

6. Notwithstanding the details shown on the approved plans, full details of landscape works have been submitted to and approved in writing by the local planning authority prior to development commencing on site. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any



trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

**Reason:** To safeguard the amenity of the area.

7. The applicant should provide details on how the surface water runoff will be managed and ensure that the finished floor level is set above any known flood level and is no lower than the floor level of the existing building. These details should be supplied to the Local Planning Authority prior to development commencing on site.

**Reason:** To minimise the risk of surface water flooding.

8. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2. If main foul sewer is not available for connection, full details and sizing of the proposed septic tank including percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 3' should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed. The above details should be submitted to the Local Planning Authority for approval in writing prior to development commencing on site and carried out as approved.

**Reason:** To ensure that the foul water drainage system complies with the Building Regulations H2.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

9. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no.8AML/SP1 prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

**Reason:** To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

10. If non permeable surfacing is used on the driveway and parking area and/or the driveway slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

### **Informatives**

1. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

3. This planning permission does not authorise the applicant to:  
construct any means of access over the publicly maintained highway (footway or verge) or  
carry out any works within the publicly maintained highway, or  
authorise the laying of private apparatus within the confines of the public highway including any  
a new utility connection, or  
undertaking the disturbance of ground or structures supporting or abutting the publicly  
maintained highway  
The applicant should in the first instance contact Shropshire Councils Street works team. This  
link provides further details.

Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

4. The applicant is advised that there shall be no surface or foul water discharge to the waterway. Any discharges that may be subsequently proposed will require prior consent from the Canal and River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right - where they are granted they will usually be subject to completion of a commercial agreement.

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